

REMARKS/ARGUMENTS

The many courtesies extended by the Examiner in the recent telephonic Examiner interview are noted with appreciation.

Claims 1, 18 and 31 were rejected under 35 USC § 103(a) as being unpatentable over McCrady, et al., in view of Wang, et al. McCrady, et al., was cited for the former claim element of “deriving a single time of arrival measurement each from a single source from a plurality of transmitting sources”. This feature has been deleted from independent claims 1 and 18. Independent claim 31 has been canceled. The remaining features in the independent claims were rejected based on Wang, et al. Wang, et al., discloses an apparatus and associated method for selecting a likely target cell in a cellular communication system. This prior art system is attempting to solve the same problem that the present invention solves. However, Wang, et al., provides its solution in a very different manner using different information. Wang, et al., specifically describes and requires two specific determinations for making a handover decision, position, and velocity. Wang, et al., gratuitously indicated that the heading was also used; however there is no indication in the specification how this is accomplished. Nonetheless, there is another significant difference between the Wang, et al., system and the present invention. Wang, et al., does not indicate or imply how these factors are used in making the handover decision. Independent claims 1 and 18 have been amended to include the specific method of determining the position of the subscriber station and the required elements and calculations for obtaining three dimensional velocity and magnitude vectors to obtain velocity and direction of motion of the subscriber station. These amendments are fully supported in the specification beginning on page 9, paragraph [0047] through paragraph [0049]. Wang et al., does not describe or imply this feature. Thus, with the amendments to the independent claims, they are now allowable.

Claims 2-3 and 19-20 were rejected under 35 USC § 103 (a) as being unpatentable over Wang, et al. in view of Vayanos. Please note that claims 19 and 20 were amended to obviate an anticipated antecedent basis rejection. The claims under this rejection are dependent claims and due to the allowability of the independent claims, these claims are also allowable.

Claims 4-17 and 21-30 were rejected under 35 USC § 103 (a) as being unpatentable over Wang, et al., in view of Vayanos and in further view of Jones, et al. Claims 5-7, 10, 11, 13, 15, 17, 22, 23, 25 and 28 have been canceled. Claims 4, 14, 16, 19, 20 and 24 have been amended to be consistent with the amendments of the independent and intervening claims and to obviate anticipated antecedent basis rejections. The claims under this rejection are dependent claims and due to the allowability of the independent claims, these claims are also allowable.

Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any question or need additional information concerning this matter, he is invited to call the undersigned attorney.

Respectfully submitted,

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